

Remarks/Arguments

Rejections under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1-14 and 16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,671,262 to Kung et al. ("Kung") in view of U.S. Patent No. 6,807,564 to Zellner et al. ("Zellner"). Applicant respectfully requests reconsideration of this rejection for at least the following reasons.

As for claim 1, claim 1 recites:

(a) A dataconferencing appliance for use at a local site to facilitate a dataconferencing session between the local site and at least one geographically distant remote site, the local and remote sites being accessible via a shared voice call network and a shared data network, the remote site having a remote dataconferencing appliance connected to the voice call network and the data network, at least one of the local and remote sites having an image source for producing image data representative of an image, and the local site having a local display device for displaying the image at the local site, the dataconferencing appliance comprising:

(b) a telephone adapter for connecting a telephone receiver to the voice call network so that a voice call session can be established between the telephone receiver and the remote site via the voice call network, the telephone adapter including circuitry for monitoring the voice call session and for transmitting signals within the voice call session;

(c) a network interface for connecting the dataconferencing appliance to the data network; and

(d) a dataconference control unit connected to the telephone adapter and the network interface, the dataconference control unit adapted for communication with the local display device, the dataconference control unit implementing a negotiation procedure that obtains a network access code and causes the telephone adapter to generate and transmit within the voice call session a signal representative of the network access code for receipt by the remote dataconferencing appliance,

(e) the dataconference control unit being responsive to receipt at the telephone adapter of a remote signal transmitted from the remote dataconferencing appliance within the voice call session, the remote signal representing a remote network access code, and to establish a data communication session between the local and remote sites via the data network using the remote network access code, when received, and

(f) thereby enabling image data to be transmitted between the local and remote sites over the data network for display via the local and remote display devices.

* Line letters and underline added

In the Office Action, the Examiner appears to allege that most of the features of claim 1 are taught in *Kung* and that the deficiencies of *Kung* are cured by the teachings of *Zellner*. Applicant respectfully disagrees. That is, Applicant submits that *Kung* and/or *Zellner*, individually or in combination, **do not** teach each and every feature of claim 1.

For example, the Examiner in the Office Action appears to allege that the first portion of element (d), "a dataconference control unit connected to the telephone adapter and the network interface, the dataconference control unit adapted for communication with the local display device, the dataconference control unit implementing a negotiation procedure that obtains a network access code and causes the telephone adapter to generate," is disclosed at column 20, lines 26-53; column 33, lines 39-67; and column 34, lines 1-56 of *Kung*, and that the second portion of element (d), "transmit within the voice call session a signal representative of the network access code for receipt by the remote dataconferencing appliance" is disclosed at column 8, lines 15-29 of *Zellner*. Applicant respectfully disagrees with this analysis for at least the following reasons.

Applicant submits that contrary to the Examiner's assertion, *Zellner* at column 8, lines 15-29 **does not** disclose the second portion of element (d). In particular, column 8, lines 15-29 of *Zellner* recites, in its entirety:

The images captured by the digital camera 26 may be transmitted as TCP/IP data packets to the ESC 12 upon activation of the panic button 24. These images may also remain stored in a memory provided within the housing 26 so as to enable security or health personnel to retrieve the images at a later time, for example, by "downloading" the digital data files having a predefined file format including, for example, the GIF (Graphics Interchange Format) format, the TIFF (Tag Image File Format) format, the JPEG (Joint Photographic Experts Group) format, the MPEG (Motion Picture Experts Group) format, or any other desirable format. Except for the addition of the digital camera 36, the IP device 20 in FIG. 5 is identical to that of FIG. 4.

Applicant is unable to discern how the above recited passage from *Zellner* reads on the second portion of element (d), which states "*transmit within voice call session a signal*

representative of *the network access code* for receipt by the remote dataconferencing appliance. Applicant therefore, submits that *Zellner* **does not** disclose the second portion of element (d) as alleged by the Examiner.

As for element (e), the Examiner appears to allege that the first portion of element (e), which states "the dataconference control unit being responsive to receipt at the telephone adapter of a signal transmitted from the remote dataconferencing appliance within the voice call session," is disclosed at column 20, lines 26-53; column 33, lines 39-67; and column 34, lines 1-56 of *Kung*, and that the second portion of element (e), which states "the remote signal representing a remote network access code, and to establish a data communication session between the local and remote sites via the data network using the remote network access code," is disclosed at column 6, lines 33-54 of *Zellner*. Applicant respectfully disagrees with this analysis and submits that *Zellner* **does not** disclose the second portion of element (e) as alleged by the Examiner.

In particular, column 6, lines 33-54 of *Zellner* states, in its entirety:

The IP device 20 may communicate with the ESC 12 using, for example, the instant messaging functionality supported by an IP-based network, e.g., the Internet 22. The instant messaging feature allows the IP device 20 to establish a direct session or a virtual connection with the remote ESC 12 via the Internet 22. In one embodiment, the IP-based network (here, the Internet 22), and preferably the carrier network 14 as well, may employ "classes of service" or "quality of service" classification schemes for data packets handled by the network. Some parameters that affect a network's classification scheme include, for example, the data bandwidth required, the latency to be tolerated during a message transmission and the acceptable error-rate during a message transmission. For example, in the case of routine e-mail or chat messages, more latency may be tolerated. However, the IP-based network may establish that certain emergency messages (e.g., video conferencing data) requiring instant transmission of the message without delay may be assigned the highest priority or "class of service" when the IP network has to allocate its data transmission bandwidth among the competing data packets.

Applicant is again unable to discern how this passage from *Zellner* reads upon the

second portion of element (e). Therefore, Applicant submits that *Zellner does not disclose the feature “the remote signal representing a remote network access code, and to establish a data communication session between the local and remote sites via the data network using the remote network access code” as recited in element (e) of claim 1.* Further, Applicant disputes that the combination of *Kung* and *Zellner* teaches element (e) when element (e) is **viewed in its entirety**.

For at least the above reasons, Applicant submits that *Kung* and/or *Zellner* individually or in combination do not teach each and every feature of claim 1.

Applicant further disputes the Examiner's motivation for combining the teachings of *Zellner* with the teachings of *Kung*. In particular, the Examiner initially argues that both *Kung* and *Zellner* are in the same field of endeavor. See Office Action, page 5, line 1. Applicant respectfully disagrees with this assessment. *Kung* relates to a broadband communication system that includes one or more conference servers for combining IP packet streams in a conference call into a combined IP packet stream. See *Kung*, abstract. *Zellner*, in contrast, relates to a device for requesting emergency assistance having a built-in panic button, the activation of the panic button by the user results in the device automatically transmitting one or more TCP/IP messages over the Internet to an emergency service center (ESC) requesting emergency help and identifying the user requesting such a help. See *Zellner*, abstract. It is unclear as to how these two references can be within the same field of endeavor as alleged by the Examiner.

The Examiner further goes on to state that “it would have been obvious to one of ordinary skill in the networking art at the time of the invention was made to have incorporated *Zellner*'s teachings of a method to enable image data (with access code and session data) to be transmitted between the local and the remote sites, with the teachings of *Kung*, for purposes of ‘allowing users to request emergency help on the Internet network’ as stated by *Zellner* in lines 40-45 of column 4.” See Office Action, page 5, lines 1-7. Applicant is somewhat puzzled as to how such a statement in *Zellner* would be a motivation to combine the teachings of *Zellner* with the teachings of *Kung*.

since *Kung* is not particularly directed to the Internet network but rather a system that operates in an IP network. Further, one skilled in the art would not incorporate the teachings of *Zellner* into the teachings of *Kung* since the system of *Kung* relates in part to conferencing systems for selected conference participants whereas *Zellner* teaches an emergency response device for communicating with emergency service center (ESC) that is typically not included as a participant in a typical conference call.

The Examiner further goes on to allege that "Kung also provides motivation to combine by stating that []there is a need to efficiently integrate multiple types of media . . . ' in lines 19-23 of column 1." See Office Action, page 5, lines 7-8 (note that the media as referred to in this statement refers to media such as telephony, data communication for personal computers, and television broadcasts – see lines 19-23 of column 1 of *Kung*). Applicant respectfully disagrees with this assessment and is again somewhat puzzled as to how such a statement could be a motivation for combining the teachings of *Kung* and *Zellner*. That is, *Zellner* was cited for the proposition that it allegedly taught, which the Applicant disputes, the feature "transmit within the voice call session a signal representative of the network access code for receipt by the remote dataconferencing appliance" of element (d) of claim 1 and the feature "the remote signal representing a remote network access code, and to establish a data communication session between the local and remote sites via the data network using the remote network access code" of element (e) of claim 1. It is unclear as to how the *Kung* statement as cited by the Examiner would motivate one skilled in the art to combine the alleged teachings of *Zellner* with the teachings of *Kung*.

For at least the above reasons, Applicant submits that claim 1 is patentable over *Kung* in view of *Zellner*.

Claims 2-14 and 16 depend from and add additional features to independent claim 1. Therefore, by virtue of their dependency, claims 2-14 and 16 are also patentable over *Kung* in view of *Zellner*.

35 U.S.C. § 103 Rejection

The Examiner rejected claims 15 and 17-48 under 35 U.S.C. § 103(a) as being unpatentable over *Kung* in view of *Zellner* and in further view of U.S. Patent No. 6,091,857 to Shaw et al. ("Shaw"). Applicant respectfully requests reconsideration of this rejection for at least the following reasons.

Regarding claims 15 and 17-20, claims 15 and 17-20 depend from and add additional features to claim 1. The deficiencies of *Kung* in view of *Zellner* with respect to claim 1 as described above are not cured by the teachings of *Shaw*. Therefore, by virtue of their dependency, claims 15 and 17-20 are patentable over *Kung* in view of *Zellner* and in further view of *Shaw*.

Regarding independent claim 21, claim 21 has similar features as claim 1. The deficiencies of *Kung* in view of *Zellner* with respect to claim 1, as well as with respect to claim 21, as described above are not cured by the teachings of *Shaw*. Therefore, for at least the same reasons that claim 1 is patentable over *Kung* in view of *Zellner*, claim 21 is patentable over *Kung* in view of *Zellner* and in further view of *Shaw*.

Claims 22-34 depend from and add additional features to claim 21. Therefore, for at least the same reasons that claim 21 is patentable over *Kung* in view of *Zellner* and in further view of *Shaw*, claims 22-34 are also patentable over *Kung* in view of *Zellner* and in further view of *Shaw*.

As for claim 35, claim 35 recites, in substance, the same limitations discussed earlier for claim 1. Accordingly, for at least the same reasons, claim 35 is patentable over *Kung* in view of *Zellner*. Further, *Shaw* does not remedy the above discussed deficiencies of *Kung* in view of *Zellner*; therefore, claim 35 remains patentable over *Kung* and *Zellner* in further view of *Shaw*.

Claims 36-48 depend from and add additional features to claim 35. Therefore, by virtue of their dependency and for at least the same reasons that claim 35 is patentable over *Kung* in view of *Zellner* and in further view of *Shaw*, claims 36-48 are also patentable over *Kung* in view of *Zellner* and in further view of *Shaw*.

Conclusion

In view of the foregoing, the Applicant respectfully submits that claims 1-48 are in a condition for allowance. Early issuance of Notice of Allowance is respectfully requested.

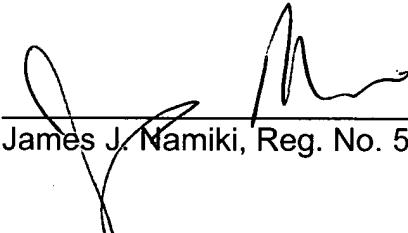
If the Examiner has any questions, he is invited to contact the undersigned at 503-796-2099.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,
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